

**ENTERED**

August 09, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JADA MONAE RHODES,

Plaintiff.

VS.

STERLING MCCALL NISSAN, *et*  
*al.*,

Defendants.

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CIVIL ACTION NO. 4:21-cv-04221

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On July 5, 2022, all pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 24. Judge Edison filed a Memorandum and Recommendation on July 24, 2023, recommending that a Motion for Summary Judgment by defendants are McCall-N, Ltd. d/b/a Sterling McCall Nissan (“Sterling McCall”) and its employees Adel Altaire, Efrain Portillo, and Gregory Belton (collectively, the “Sterling McCall Defendants”) (Dkt. 41) be **GRANTED**. Dkt. 44. Judge Edison also sua sponte recommended that Plaintiff’s claims against the remaining, unserved defendant—Chartway Financial Services, LLC, d/b/a Chartway Federal Credit Union (“Chartway”)—be dismissed pursuant to Federal Rule of Civil Procedure 4(m). *Id.*


No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 44) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) the Sterling McCall Defendants' Motion for Summary Judgment (Dkt. 41) is **GRANTED**;
- (3) Plaintiff's claims against Chartway are dismissed without prejudice for failure to effectuate service pursuant to Rule 4(m).

It is so **ORDERED**.

SIGNED and ENTERED this 9th day of August 2023.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE